

THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

BY-LAW 32-2018

Being a By-Law to regulate and license the operation of Refreshment Vehicles
in The Township of Greater Madawaska

WHEREAS Section 151(1) of the Municipal Act S.O. 2001, Chapter 25, authorizes a Municipality to license businesses such as refreshment vehicles;

AND WHEREAS the Council of the Corporation of the Township of Greater Madawaska deems it appropriate to enact a by-law to effect said purpose;

NOW THEREFORE the Council of the Corporation of the Township of Greater Madawaska enacts as follows:

Section 1 - Authorization and Administration

- 1.1 Title
This by-law shall be known as the “Refreshment Vehicle By-law” of the Corporation of the Township of Greater Madawaska.
- 1.2 Scope
The provisions of this by-law shall apply to all refreshment vehicles from which refreshments are sold within the boundaries of the municipal corporation.
- 1.3 Violation and Penalties
Any person convicted of a breach of any of the provisions of this by-law shall be liable to a fine not to exceed one thousand dollars (\$1,000.00) exclusive of costs, for each such offence, and every penalty shall be recoverable under the Provincial Offences Act.
- 1.4 Effective Date
This by-law shall come into force and take effect immediately upon the passing thereof.
- 1.5 Validity
Should any section, clause or provision of this by-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder shall not be affected.
- 1.6 Administrator
This by-law shall be administered by the CAO of the Corporation of the Township of Greater Madawaska.
- 1.7 Inspection
The CAO or designate of the Corporation acting under their direction may, at any reasonable hour, inspect any vehicle licensed under this by-law, where there is reason to believe that any provision of the by-law is being violated.
- 1.8 License
 - (a) No person shall operate a refreshment vehicle without a valid license issued by the Corporation of the Township of Greater Madawaska for each such vehicle operated.
 - (b) A license issued pursuant to the terms and conditions of this By-law shall be valid only for the calendar year in which it is issued.

- (c) The license fees to be paid at the time of application shall be one hundred and seventy-five (\$175.00) for refreshment vehicles, as herein defined.
- (d) Licenses shall not be transferrable.
- (e) Every person obtaining a license under this by-law shall keep said license posted up in some conspicuous place on or in the vehicle for which the license was issued and when requested produce the license for inspection.
- (f) No person shall be granted or hold a license for the operation of a refreshment vehicle unless he/she has, in writing, agreed to indemnify and hold harmless the municipality, its agents, servants, employees and officials from any claims, actions or suits which might be brought against the said person and the municipality arising out of the operation of the refreshment vehicle in any manner whatsoever, or any error, negligence, or omission of the person, his/her agents, servants or employees.

1.9 Application for License

Refreshment Vehicles - Each application for a license to operate a refreshment vehicle including the renewal of such a license shall contain the following:

- (i) Written notice from the Medical Officer of Health stating that the vehicle for which the license is being sought complies with all applicable health regulations.
- (ii) Written notice from the Fire Chief stating that the vehicle for which the license is being sought and any proposed operating location comply with all applicable fire regulations, codes and practices.
- (iii) The name and address of the vehicle owner.
- (iv) The name of the owner of the property or properties of which the vehicle will operate.
- (v) A site plan for each proposed operating location of the vehicle showing proposed vehicle location, all structures situated on the property, and the distance between the vehicle and all such structures and between the property lines.

1.10 Revocation of License

A license issued under this by-law may be revoked by the CAO or designate where:

- (i) Written notice is received by the CAO or designate from the Medical Officer of Health or the Fire Chief stating that the vehicle is operating contrary to acceptable standards; or
- (ii) The licensee has been served notice of non-compliance with this by-law by the CAO and has failed to take such action as deemed necessary within twenty-one (21) days of the date of the notice; or
- (iii) The licensee has been served by the CAO or designate three (3) notices of non compliance with this by-law during the period for which the license was issued;

And the CAO or designate shall serve notice to the licensee of the impending revocation at least fourteen (14) days prior to the proposed date of revocation, and the licensee or his representative may appear before the CAO or designate to show cause why he believes such license should not be revoked.

Section 2 – Definitions

The following definitions shall apply to the interpretation of this by-law:

- 2.1 “CAO” shall mean the CAO/Clerk Treasurer of the Corporation of the Township of Greater Madawaska or his/her designate.

- 2.2 “Corporation” shall mean the Corporation of the Township of Greater Madawaska.
- 2.3 “Council” shall mean the Council of the Corporation of the Township of Greater Madawaska.
- 2.4 “Fire Chief” shall mean the Chief of the Fire Department of the Township of Greater Madawaska or his/her designate.
- 2.5 “License” shall mean a license issued under this by-law.
- 2.6 “Medical Officer of Health” shall mean the Medical Officer of Health for the Renfrew County and District Health Unit or his/her subordinates to whom he/she may delegate such authority from time to time.
- 2.7 “Mobile Canteen” shall mean a vehicle from which food and drink are dispensed for consumption principally by persons at their place of employment throughout the Township and not to the general public, and are not permitted.
- 2.8 “Operate” shall mean the act of selling, offering for sale, or other dispensing of food or drink.
- 2.9 “Refreshment Vehicle” shall mean any vehicle, whether mechanically propelled or otherwise, from which refreshments are sold for consumption by the general public, but shall not include such vehicles used principally as canteens.
- 2.10 “Roadworthy” shall mean that the vehicle complies with the equipment and performance standards prescribed by the Highway Traffic Act of Ontario.
- 2.11 “Served” shall mean by prepaid ordinary mail addressed to the address shown on an application for a license or other address as requested by the owner in writing to the CAO or designate.
- 2.12 “Setback” shall mean the perpendicular distance between the nearest lot line and the vehicle and is synonymous with “minimum yard”.
- 2.13 “Vehicle” shall mean an automobile or other motor vehicle, a motor home, a trailer, or any other device which is capable of being drawn, propelled or driven by any kind of power or anything that has been used in like manner but does not include a bicycle or any other device powered solely by means of human effort.

Section 3 - Operation of Vehicle

- 3.1 **Roadworthy Vehicles**
All refreshment vehicles are required to be roadworthy, with current motor vehicle license plates and capable of moving under their own power or by tow.
- 3.2 **Zoning**
Refreshment vehicles shall only be permitted to operate on private property in commercial zones defined by a by-law of the Corporation and enacted under the Planning Act and shall adhere to all applicable provisions therein including but not limited to all the setback requirements for the zone in which it is situate.
- 3.3 **Fire Hazard**
Notwithstanding anything else in this by-law no refreshment vehicle shall operate within any minimum distance of an existing structure as may be deemed essential for fire safety by the Fire Chief.

3.4 Municipal Parks

Notwithstanding Section 3.2 this by-law, a Mobile Canteen or Refreshment Vehicle may operate on the following Municipal Park's with the approval of the CAO or designate and for such a period as authorized by the CAO or designate.

Barnet Cottage

Calabogie Community Centre

Heritage Point

Griffith Recreation Hall Property

Ginza Rink - Griffith

3.5 Special Occasions

Notwithstanding anything else in this by-law the CAO or designate may, in writing, upon application by a licensee permit the operation of a refreshment vehicle for a special occasion and may establish operating conditions which differ from those of this by-law.

3.6 Operating Location of Refreshment Vehicle

The operating location of a refreshment vehicle must be approved by the CAO or designate either at the time of application for a license, or prior to relocation and written permission from the owner of the land on which the applicant proposes to locate the Refreshment Vehicle must be submitted to the Township prior to approval being granted.

3.7 Waste Management

The following operating regulations shall apply to all Refreshment Vehicles:

- (i) Each Refreshment Vehicle shall provide sufficient waste receptacles to accommodate the volume of waste generated at the vehicle site.
- (ii) Each operator shall be responsible for ensuring that the general vicinity around the Refreshment Vehicle is kept neat and clean always.

Section 4 – Offences

4.1 Operating without a License

No person shall operate a refreshment vehicle in the Township of Greater Madawaska unless the owner has obtained a license

4.2 Failure to Display License

No person shall fail to display their refreshment vehicle License in a conspicuous place at the site or vehicle to which it applies

4.3 Failure to Operate under Endorsed Name

No person shall promote or carry on business under any name other than the Name endorsed upon the license.

4.4 Failure to Report Change of Information

No Person shall fail to report to the CAO or designate every change of name, mailing Address and telephone number for each refreshment vehicle held, within seven (7) days of the change.

4.5 Failure to Produce License

No person shall fail to produce their license and identification upon request.

4.6 Obstruction of CAO or designate

No person shall obstruct the CAO or designate from conducting an inspection, or withhold, destroy, conceal or refuse to supply any information or item for an Inspection.

4.7 Obstruction of Municipal By-Law Enforcement Officer

No person shall obstruct a Municipal By-Law Enforcement Officer from Conducting an inspection, or withhold, destroy, conceal or refuse to supply any information or item for an inspection.

Section 5 – Penalties

- 5.1 Any person who contravenes any provision of this by-law shall be guilty of an offence and shall be liable, upon conviction, to a fine for each offence in accordance with Schedule “B” of this by-law.
- 5.2 Upon registering a conviction for the contravention of any provision of the by-law, in addition to any other remedy and to the penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to the Municipal Act 2001, as amended.

READ a first and second time this 25th of June, 2018

READ a third time and passed this 25th of June, 2018

Glenda McKay
Mayor

Allison Holtzhauer
CAO Clerk/Treasurer

SCHEDULE "A"
BY-LAW NO. 32-2018

SET FINES

Part 1, Provincial Offences Act

ITEM	Column 1 Short Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine
1.	Operating without a License	Section 4.1	\$300
2.	Failure to Display License	Section 4.2	\$200
3.	Failure to Operate under Endorsed Name	Section 4.3	\$200
4.	Failure to report Change of Information	Section 4.4	\$200
5.	Failure to Produce License	Section 4.5	\$200
6.	Obstruction of CAO or designate	Section 4.6	\$300
7.	Obstruction of Municipal By-Law Enforcement Officer	Section 4.7	\$300

Note: The penalty provisions for the offences indicated above is Section 4 of By-Law No. 32-2018, a certified copy of which has been filed.

Note: The general penalty provisions for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 2990, c. P.33.